

**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Filed Against:

Case No.: VN-2007-1485

**DENNIS SEAN PRATT**  
950 McAllister Street  
San Francisco, CA 94115

**DEFAULT DECISION  
AND ORDER**

Vocational Nurse License No. VN 160482

Respondent.

Dennis Sean Pratt ("Respondent") was served Accusation No. VN-2007-1485; Statement to Respondent; Notice of Defense form; copies of Government Code sections 11507.5, 11507.6 and 11507.7; and Request for Discovery by both first class and certified mail on November 18, 2008 at his address of record as provided in sections 11503 and 11505 of the Government Code of the State of California.

Respondent failed to file a Notice of Defense within the time specified in Government Code section 11506.

The Board of Vocational Nursing and Psychiatric Technicians ("Board") has determined that Respondent has waived his rights to a hearing to contest the merits of the Accusation and that the Board will take action on the Accusation without a hearing, pursuant to Government Code section 11520.

The Board makes the following findings of fact:

**FINDINGS OF FACT**

1. Teresa Bello-Jones, J.D., M.S.N., R.N., made and filed the Accusation solely in her capacity as the Board's Executive Officer.
2. On January 15, 1993, the Board issued Vocational Nurse License Number VN 160482 to Respondent. Said license expired on October 31, 2008 and has not been renewed.
3. Pursuant to Business and Professions Code section 2875, the Board may discipline any licensed vocational nurse for any reason provided in Article 3 of the Vocational Nursing Practice Act.

1           4. Pursuant to Business and Professions Code section 118(b), the expiration of a  
2 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the  
3 period within which the license may be renewed, restored, reissued, or reinstated. Under Business  
4 and Professions Code section 2892.1, the Board may renew an expired license at any time within  
5 four years after the expiration.

6           5. Respondent has subjected his license to discipline under Business and  
7 Professions Code section 2878.8, in that Respondent's credential to practice as a licensed nurse in  
8 the state of Washington was disciplined, as described in Accusation No. VN-2007-1485, a copy of  
9 which is attached as Exhibit "1" and incorporated by reference.

10                           **DETERMINATION OF ISSUES**

11           Based on the foregoing Findings of Fact, Respondent has subjected his license to  
12 discipline under Business and Professions Code section 2878.8.

13                           **LOCATION OF RECORD**

14           The record on which this Default Decision is based is located at the Sacramento office  
15 of the Board of Vocational Nursing and Psychiatric Technicians.

16                           **ORDER**

17           **WHEREFORE**, the Board of Vocational Nursing and Psychiatric Technicians makes  
18 the following order:

19           Vocational Nurse License Number VN 160482 authorizing Respondent to act as a  
20 vocational nurse is hereby revoked.

21           Respondent shall have the right to petition for reinstatement of the aforesaid license  
22 pursuant to the provision of section 2878.7(a)(1) of the Business and Professions Code.

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1 Respondent shall not be deprived of making any further showing by way of  
2 mitigation; however, such showing must be made directly to the Board of Vocational Nursing and  
3 Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, California, 95833 prior to  
4 the effective date of this Decision.

5 This Default Decision shall become effective on March 29, 2009.

6 Dated and signed February 27, 2009.

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10 John P. Vertido, L.V.N.  
11 President  
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27 Attachments: Exhibit "1", Accusation No. VN-2007-1485 and Declaration of Service  
28

Exhibit "1"  
Accusation No. VN-2007-1485 and Declaration of Service

NOV 18 2008

Board of Vocational Nursing  
and Psychiatric Technicians

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6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **FOR THE BUREAU OF VOCATIONAL NURSING AND**  
**PSYCHIATRIC TECHNICIANS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. VN-2007-1485

12 **DENNIS SEAN PRATT**  
950 McAllister Street  
13 San Francisco, CA 94115

**A C C U S A T I O N**

14 Vocational Nurse License No. VN 160482.

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
20 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational  
21 Nursing and Psychiatric Technicians, Department of Consumer Affairs.

22 2. On or about January 15, 1993, the Bureau of Vocational Nursing and  
23 Psychiatric Technicians issued Vocational Nurse License Number VN 160482 to Dennis Sean  
24 Pratt (Respondent). The Vocational Nurse License was in full force and effect at all times  
25 relevant to the charges brought herein and will expire on October 31, 2008, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Director of Consumer Affairs  
28 (Director) for the Bureau of Vocational Nursing and Psychiatric Technicians, under the authority

1 of the following laws. All section references are to the Business and Professions Code unless  
2 otherwise indicated.

### 3 STATUTORY PROVISIONS

4 4. Section 2875 of the Business and Professions Code (Code) provides, in  
5 pertinent part, that the Board may discipline the holder of a vocational nurse license for any  
6 reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice  
7 Act.

8 5. Section 118(b) of the Code provides, in pertinent part, that the expiration  
9 of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during  
10 the period within which the license may be renewed, restored, reissued or reinstated. Under  
11 section 2892.1 of the Code, the Bureau may renew an expired license at any time within four  
12 years after the expiration.

13 6. Section 2878 of the Code states:

14 "The Board may suspend or revoke a license issued under this chapter [the  
15 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

16 (a) Unprofessional conduct, which includes, but is not limited to, the following:

17 (1) Incompetence, or gross negligence in carrying out usual nursing functions.

18 ...

19 (j) The commission of any act involving dishonesty, when that action is related to  
20 the duties and functions of the licensee.

21 ..."

22 7. Section 2878.5 of the Code states:

23 In addition to other acts constituting unprofessional conduct within the meaning  
24 of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person  
25 licensed under this chapter to do any of the following:

26 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a  
27 licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or  
28 administer to another, any controlled substance as defined in Division 10 of the Health and

1 Safety Code, or any dangerous drug as defined in Section 4022.

2 (b) Use any controlled substance as defined in Division 10 of the Health and  
3 Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an  
4 extent or in a manner dangerous or injurious to himself or herself, any other person, or the public,  
5 or to the extent that the use impairs his or her ability to conduct with safety to the public the  
6 practice authorized by his or her license.

7 ...

8 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible  
9 entries in any hospital, patient, or other record pertaining to narcotics or dangerous drugs as  
10 specified in subdivision (b)."

11 8. Section 2878.8 of the Code states:

12 "The board may deny any application or may suspend or revoke any license issued  
13 under this chapter [the Vocational Nursing Practice Act] based upon the denial of licensure,  
14 suspension, restriction, or other disciplinary action of a license by another state, any other  
15 government agency, or by another California health care professional licensing board. A  
16 certified copy of the finding shall be conclusive evidence of that action provided that, if from  
17 another state, the findings establish an act which if committed in California would be grounds for  
18 discipline."

19 9. Section 125.3 of the Code provides, in pertinent part, that the Board may  
20 request the administrative law judge to direct a licentiate found to have committed a violation or  
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
22 and enforcement of the case.

### 23 CAUSE FOR DISCIPLINE

#### 24 (Out of State Discipline)

25 10. Respondent is subject to disciplinary action under section 2878.8 in that  
26 Respondent's credential to practice as a licensed nurse in the state of Washington was  
27 disciplined. The circumstances are as follows:

28 11. On or about December 26, 2007, the State of Washington, Department of

1 Health, Nursing Care Quality Assurance Commission, issued its Findings of Fact, Conclusions of  
2 Law and Final Order (Failure to Respond) in Docket No. 07 - 5 - A - 1089LP. Respondent's  
3 credential to practice as a licensed nurse in the state of Washington, Credential No. LP00055862,  
4 was suspended, with no right to seek reinstatement of his credential for at least sixty (60) months  
5 from the effective date of the Order. The Order made the following pertinent Findings of Fact:

6 a. On or about March 27, 2005 through May 3, 2005, while Respondent was employed as  
7 a licensed practical nurse at Lynden Manor in Lynden, Washington, Respondent diverted  
8 controlled substances from Lynden Manor for his own personal, non-therapeutic use.

9 Specifically, Respondent withdrew fifteen (15) tablets of Vicodin from a patient's narcotics log.

10 b. On or about April 2005 and/or May 2005, Respondent improperly delegated tasks to  
11 nursing assistants by directing the nursing assistants to perform functions outside their scope of  
12 practice, including changing dressings on patients and administering medications to patients.

13 Both of these findings establish acts which if committed in California would be grounds  
14 for discipline.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
17 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

18 1. Revoking or suspending Vocational Nurse License Number VN 160482,  
19 issued to Dennis Sean Pratt Dennis Sean Pratt.

20 2. Ordering Dennis Sean Pratt to pay the Bureau of Vocational Nursing and  
21 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,  
22 pursuant to Business and Professions Code section 125.3;

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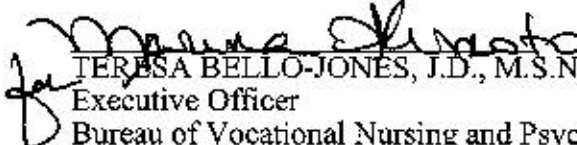
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3. Taking such other and further action as deemed necessary and proper.

DATED: November 18, 2008

  
TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Bureau of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant

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**DECLARATION OF SERVICE BY CERTIFIED MAIL  
AND  
DECLARATION OF SERVICE BY FIRST CLASS MAIL**

Case Name: In the Matter of the Accusation Against:  
**Dennis Sean Pratt**

Case No.: VN-2007-1485

I declare:

I am employed in the County of Sacramento, California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833-2945.

On November 18, 2008, I served the attached:

ACCUSATION, STATEMENT TO RESPONDENT, REQUEST FOR DISCOVERY  
NOTICE OF DEFENSE (2 COPIES), AND COPY OF GOVERNMENT CODE SECTIONS  
11507.5, 11507.6 AND 11507.7.

in said cause, by placing a true copy thereof enclosed in two separate sealed envelopes with postage thereon fully prepaid by Certified Mail and First Class Mail, in the United States mail at Sacramento, California, addressed as follows:

NAME/ADDRESS

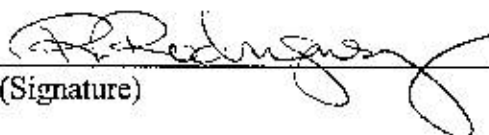
CERTIFIED MAIL NUMBER

Dennis Sean Pratt  
950 McAllister Street  
San Francisco, CA 94115

7007 2680 0000 3858 9214

I declare under penalty of perjury the foregoing is true and correct, and that this declaration was executed at Sacramento, California on November 18, 2008.

Regina Rodriguez  
(Typed Name)

  
(Signature)

cc: Michael B. Franklin, Deputy Attorney General